

BLUFFTON TOWN COUNCIL MEETING MINUTES  
AUGUST 11, 2015

Mayor Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Huffman, Lavery, Hamilton, and Toomer.

Town Manager/Executive Director of the Bluffton Public Development Corporation Orlando, Deputy Town Manager Hodge, Director of Finance Freeman, Director of Growth Management Leininger, Director of Public Works/Engineering Jones, Human Resources Director Robinson, Chief Reynolds, and Town Attorney Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Councilman Hamilton.

Adoption of Agenda:

**Lavery moved to adopt the agenda as presented. Huffman seconded. The motion carried unanimously.**

Adoption of Minutes:

- a. Minutes of July 14, 2015 Regular Meeting:

**Huffman moved to adopt the minutes as presented. Lavery seconded. The motion carried unanimously.**

- b. Minutes of July 21, 2015 Quarterly Workshop:

**Huffman moved to adopt the minutes of the July 21, 2015 Quarterly Workshop as presented. Hamilton seconded. The motion carried unanimously.**

Presentations, Celebrations and Recognitions:

Mayor Sulka and Councilman Hamilton recognized Ebony Gadson for being chosen as South Carolina's Youth of the Year through the Boys & Girls.

Introduction of New Employees as follows:

- Rob Harman – Police Officer
- Margarita Hernandez – Police Officer
- Walker Michaud – Police Officer
- Jason Rodriguez – Police Officer
- Amber Swinehamer – Police Officer
- Lisa Woodruff – Crossing Guard
- Brad Mole – Customer Service Representative
- Marcus Noe – Building Inspector

Public Comments:

There were none.

Communications from Mayor and Town Council:

**Mayor Sulka** stated the following:

- Bluffton Police Department's 2<sup>nd</sup> Annual "National Night Out" was a great success.
- Participated on the in ULI (Urban Land Institute) Panel held in Mt. Pleasant who is dealing with growth. After her visit, she appreciates the Town of Bluffton's Staff, Council, and community.

Public Hearings and Final Readings:

- a. Ordinance Approving the Annexation of Certain Property Containing Approximately 18.79 Acres, More or Less, Located on JC's Cove and Identified by Tax Map Numbers R600 039 000 1129 0000, R600 0039 000 031D 0000, R600 039 000 1128 0000, and R600 0039 000 0847 0000.
- b. Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove.

Kendra Lelie, Assistant Director of Growth Management gave an overview.

In accordance with Section 5-3-150 of the Code of Laws of South Carolina, Jim Saba (Applicant), seeks to annex four (4) parcels totaling 18.79 acres into the corporate limits of the Town of Bluffton. Separately, the Applicant also requests a zoning map amendment which designates the tract as an Agriculture (AG) zoning district permitting the Applicant to subdivide Lot 4 into four (4) lots for residential use and utilize Lot 3, which fronts on May River Road, for common open space to include a recreational building. Public sewer and water are proposed to service the existing and proposed lots. If annexed, Lot 3 would be subject to the architecture, landscaping, and lighting standards of the Highway Corridor Overlay District.

For clarification, The Applicant submitted an Annexation Petition (100% freeholder method), Zoning Map Amendment Application, and related documents in May 2014. This application included, among other items, a zoning map amendment establishing a Planned Unit Development (PUD) District allowing for an office use on Lot 3 fronting May River Road and a proposed sewer alignment connecting along Stock Farm Road.

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Public Hearing and Final Readings – Continued:

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The Applicant was not able to obtain the necessary property owner approvals allowing for the proposed sewer alignment and instead proposed an alternative route along May River Road. This alternative route allows the Applicant to relocate the proposed office use from Lot 3 in the subject property to be annexed to an existing commercially zoned Property located at 5846 Guilford Place in the Stock Farm development. The new sewer alignment and relocation of the office use were considered major amendments to the original application requiring a new Annexation Petition and Zoning Map Amendment application to be submitted. These new applications were submitted April 7, 2015 and are the subject of these Ordinance approval requests. On May 12, 2015, Town Council approved First Reading of the Annexation Petition. On July 14, 2015, Town Council approved First Reading of the Zoning Map Amendment request.

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Public Hearing and Final Readings – Continued:

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The subject tract is located within unincorporated Beaufort County and is currently zoned MRCP under the Beaufort County Zoning and Development Standards Ordinance (ZDSO). The adjacent properties to the east and west are also located in the MRCP district. The property to the north across May River Road is located in the Neighborhood Core (NC) district per the Town of Bluffton Zoning Ordinance. As stated in Division A.13 "May River Community Preservation District", Section A.13.10 of the ZDSO, the purpose of the MRCP district is intended to promote low intensity rural development patterns comprised primarily of residential uses while encouraging and allowing more urban development to locate outside the district at either end of the corridor.

The subject parcel is located in a future land use designated as low density residential which describes the purpose of the area to maintain the existing rural character and decrease environmental and traffic impacts. The low density residential land use includes estates and family compounds which range in density from one unit per three acres to one unit per acre.

The applicant is proposing to subdivide Lot 4 into four (4) residential lots for a total of six (6) residential lots and designate Lot 3 (with frontage on May River Road) as common open space. The proposed Agricultural zoning district will limit the allowed development intensity to the Applicant's intended use and development pattern provided certain deed restrictions are placed on the property.

Based on requirements from the Town Council at the August 12, 2014 and May 12, 2015 meetings and from the Planning Commission at the May 27, 2015 workshop meeting and June 24, 2015 public hearing, the following outline of deed restrictions is provided for Planning Commission's approval and recommendation to Council:

1. Density restrictions. Density does not exceed 0.32 units per acre or a total of six (6) residential units. The lots shall be developed in accordance with the applicable zoning standards for the Agricultural Zoning District or future zoning designation.

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Public Hearing and Final Readings – Continued:

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2. Sewer/Water Connectivity. Mr. Saba will be required to connect the existing residential units and the proposed development to adequate public sewer and water service. BJWSA's installation of water and sewer must be installed to the existing two (2) structures with availability to the future dwelling units prior to the issuance of the subdivision approval and any building permits for new residential dwelling units. Additional septic systems are not permitted on the property.
  3. OCRM Setback Protection. Protection of the OCRM Critical Line setback (100 feet) along the May River through conservation easements in addition to standard zoning setbacks (Agricultural District) will be required as part of the open space requirement. The placement of the conservation easement over the OCRM Critical Line setback provides an added layer of protection of this environmentally sensitive area to ensure it is protected from future variance requests.
  4. Cemetery Conservation Easement. Establishment of a Conservation Easement from the May River Road cemetery that is adjacent to the property will be required in order to provide an adequate buffer between a residential and institutional use. The conservation easement shall be a minimum of fifty (50) feet and shall be designed in accordance with UDO Section 5.2.3.A.
  5. Stormwater Management. Each lot (including the existing residences) shall meet or exceed the Town's stormwater regulations in accordance with UDO Section 5.10. At the May 12, 2015 TC Meeting, Mr. Jim Scheider (Mr. Saba's attorney) indicated the applicant would review every report regarding water quality for the May River and other local waterways completed by the Town and DHEC to ensure that the safeguards are placed to prevent stormwater run-off into the May River, including a series of containments designed by Mr. Saba's engineer. Mr. Scheider also indicated there will not be a commercial building located on Mr. Saba's property specifically along Route 46.  
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Public Hearing and Final Readings – Continued:

- a. Ordinance Approving the Annexation of Certain Property Containing Approximately 18.79 Acres, More or Less, Located on JC's Cove and Identified by Tax Map Numbers R600 039 000 1129 0000, R600 0039 000 031D 0000, R600 039 000 1128 0000, and R600 0039 000 0847 0000.
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These deed restrictions can only be modified by approval of Town Council and will be a condition of the annexation to be filed on the property within 30 days of any annexation approval by Town Council.

Mayor Sulka opened the public hearing at 6:23 p.m.  
There were no public comments.  
Public hearing closed at 6:23 p.m.

**Toomer moved to have final reading of the Ordinance Approving the Annexation of Certain Property Containing Approximately 18.79 Acres, More or Less, Located on JC's Cove and Identified by Tax Map Numbers R600 039 000 1129 0000, R600 0039 000 031D 0000, R600 039 000 1128 0000, and R600 0039 000 0847 0000 with the recommended deed restrictions. Huffman seconded. The vote was three in favor. Lavery and Hamilton opposed.**

**Toomer moved to have final reading on the Ordinance Approving a Zoning Map Amendment to Establish an Agriculture (AG) District Zoning for Certain Property Containing Approximately 18.79 Acres Located on JC's Cove. Huffman seconded. The vote was three in favor. Lavery and Hamilton opposed.**

Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2015:

Shirley Freeman, Director of Finance, stated the Accommodations Tax Advisory Committee met on August 4<sup>th</sup> to review the quarterly grant application in the amount of \$169,500 with total of \$130,828.36 available funds for distribution.

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Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2015 – Continued:

- 1) **Beaufort County Black Chamber of Commerce** – Requested \$20,000 – Committee recommended \$3,250:  
**Hamilton moved to grant the Chamber \$7,500. Huffman seconded. The vote was three in favor. Lavery and Toomer opposed.**
- 2) **BHPS – Heyward House Historic Center** – Requested \$75,000 (Annual) – Committee recommended approval with quarterly funding of \$25,000:  
**Lavery moved to grant the Historic Center their quarterly funding of \$25,000. Toomer seconded. The vote was four in favor. Huffman recused himself.**
- 3) **Historic Bluffton Arts and Seafood Festival** – Requested \$20,000 – Committee recommended \$20,000:  
**Lavery moved to grant the Festival \$20,000. Toomer seconded. The motion carried unanimously.**
- 4) **Lowcountry Golf Course Owners Association** – Requested \$20,000 – Committee recommended \$20,000:  
**Mayor requested a motion. There was no motion.**
- 5) **May River Theatre** – Requested \$15,000 – Committee recommended \$7,500:  
**Toomer moved to grant the Theatre \$7,500. Huffman seconded. The motion carried unanimously.**
- 6) **Old Town Merchants Society** – Requested \$48,000 – Committee recommended \$48,000 with quarterly funding of \$12,000:  
**Huffman moved to grant the Society their quarterly funding of \$12,000. Lavery seconded. The motion carried unanimously.**
- 7) **Society of Bluffton Artists** – Requested \$10,700 – Committee recommended \$6,000:  
**Toomer moved to grant the Artists \$6,000. Mayor Sulka seconded. Motion fails.**  
**Hamilton moved to grant the Artists \$10,000. Toomer seconded. The motion carried unanimously.**

Resolution to Designate Lowcountry Regional Transit Authority as the Direct Recipient for Public Transportation Funds:

Kendra Lelie, Assistant Director of Growth Management, stated as a result of the 2010 census, the Bureau of the Census designated the Town of Hilton Head Island, the Town of Bluffton, and portions of southern Beaufort County to be an 'Urbanized Area' because their combined population (68,998) reached over 50,000. This required the creation of a Metropolitan Planning Organization (MPO) to carry out a transportation planning process on a regional basis. The municipalities of Beaufort, Port Royal, Hardeeville, Bluffton, and Hilton Head Island, and both Jasper and Beaufort Counties have joined the new MPO. These governmental entities have approved a resolution defining MPO boundaries, identifying Policy Board membership, delegating the lead agency to the Lowcountry Council of Governments, and naming the MPO organization as the Lowcountry Area Transportation Study.

In February 2013, the Governor officially created LATS as the newest of eleven MPOs in South Carolina. In order to receive Federal funding for public transit in the LATS area, a Direct Recipient must be identified. Lowcountry Regional Transit Authority (known as Palmetto Breeze) was identified as serving as the Direct Recipient for Federal funds for the MPO LATS area.

To receive Federal monies for public transportation, each participating local government in the urbanized area (Hilton Head Island, Bluffton and Beaufort County) and the LATS Policy Board must designate a public transportation entity to apply for and receive Federal monies to promote regional transportation for LATS.

Local matches from each of the urbanized area governments will be requested by LRTA in order to provide service to those areas. The local match will also provide the opportunity for the Town to plan for and specify transit needs within the Town of Bluffton ranging from a request for trolleys to bus stop signs and benches/shelters.

On July 21, 2015, the Town of Hilton Head Island passed a resolution authorizing the LRTA as the entity to execute and file applications for Federal assistance and Beaufort County is scheduled to adopt a similar resolution on or about August 24, 2015. The resolution was circulated to staff in each governmental agency from

Lowcountry Council of Governments. Staff has modified it to reflect specific information relevant to Bluffton, particularly that the local match must be requested from and approved by future Town Councils as they determine, but the overall intent remains unchanged.

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Resolution to Designate Lowcountry Regional Transit Authority as the Direct Recipient for Public Transportation Funds – Continued:

Staff from the Town of Hilton Head Island, Beaufort County and Bluffton also met several times to discuss how best to distribute the local match funds needed for the Federal Transit Administration grants. After discussions and talks with other transit agencies in South Carolina, population distribution seemed the easiest and most straightforward method to use in determining the distribution of the matching funds. There is no commitment to use this method, but it is simply the method replicated by other transit agencies have utilized.

At the last Policy Committee meeting on June 22, 2015, the Policy Committee voted to approve the resolution required from LATS MPO and to obtain the signature of the Mayor (Chairwoman of the Committee) on the resolution as soon as the local government resolutions have been received. Once the LATS MPO resolution is signed and provided to SCDOT and the Federal Transit Administration, they will begin the task of verifying that LRTA is an acceptable designee which will take several more months, likely extending into FY17.

**Huffman moved to adopt the Resolution to Designate Lowcountry Regional Transit Authority as the Direct Recipient for Public Transportation Funds. Lavery seconded. The motion carried unanimously.**

Resolution Establishing a Charter for the Affordable Housing Committee:

Kendra Lelie, Assistant Director of Growth Management,

An Affordable Housing Committee (Committee) was established on March 23, 2006 and was later disbanded on December 16, 2008 to allow the new Mayor and Council the flexibility to establish Committees as necessary. On January 12, 2010, Town Council re-established the Committee through the appointment of seven members. At the time of this reappointment a charter defining the Committee membership, roles, and responsibilities was not similarly established. Since their appointment in 2010 the Committee has worked to further the Town's Neighborhood Assistance Program efforts as well as promote workforce and affordable housing development, such as the Wharf Street Redevelopment Project.

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Resolution Establishing a Charter for the Affordable Housing Committee – Continued:

In order to better define the Committee's membership, roles, and responsibilities, on June 2, 2015, the Affordable Housing Committee voted unanimously to bring the attached Resolution to Town Council for adoption. The Resolution provides that the Committee shall:

1. Be known as the Affordable Housing Committee;
2. Be tasked with advising Council on the Neighborhood Assistance Program of Bluffton.
3. Consist of seven (7) members appointed by Town Council:
  - a. Two (2) Town Council Members;
  - b. One (1) Mortgage Lender;
  - c. One (1) Realtor; and
  - d. Three (3) representatives from community organizations.
4. Adopt an annual meeting schedule.
5. Adopt Rules of Procedure.
6. Have the following responsibilities:
  - a. Assist with the drafting and periodic review of the town of Bluffton Neighborhood Assistance Program and Strategies Work Plan for Town Council adoption;
  - b. Advise Town Council on the implementation of the Neighborhood Assistance Program action items;
  - c. Assist as directed by Town Council with intergovernmental and private sector relationships regarding the Neighborhood Assistance Program; and
  - d. Increase public awareness, provide education, and promote affordable housing efforts for the Town of Bluffton.

The Resolution Establishing a Charter for the Affordable Housing Committee defines its membership, roles, and responsibilities, thus providing the necessary framework for the Committee to conduct business. This Resolution is similar in form to that established for the Beautification Committee, Negotiating Committee, ATAX Committee, Public Safety Citizens Committee, and the May River Watershed Action Plan Advisory Committee.

**Lavery moved to adopt the Resolution Establishing a Charter for the Affordable Housing Committee as presented. Toomer seconded. The motion carried unanimously.**

Approval of an Amendment to the Shell Hall Master Plan:

Kendra Lelie, Assistant Director of Growth Management, stated the applicant is requesting an amendment to the Shell Hall Master Plan which will include Phase III (final phase) of the three (3) phase project. More specifically, this amendment includes:

1. Creation of 69 additional residential lots which results in a total of 251 lots. This is a reduction of 13 lots from the permitted maximum of 264 lots. The residual 13 units are reserved for residents wishing to add a mother-in-law suite.
2. Provision for a future access to Bluffton Parkway including a potential cross connection allowing the neighboring community, Pinecrest, future access to Bluffton Parkway.
3. Incorporation of three (3) stormwater lagoons.
4. Establish roadway and pedestrian network to serve residential lots.

Shell Hall is located in the eastern tract of the Buckwalter PUD, which was approved in April 2000 consisting of 120.7 acres. The Shell Hall Master Plan was originally approved by the Town Council in September 2001 which included 264 lots of which 200 were planned as single family dwellings and 64 were planned as mother-in-law suites. Town Council approved an amendment to the original Master Plan in 2009 which included the following revisions:

- Addition of an electronic gate at the entrance of Shell Hall;
- Removal of vehicular interconnectivity from Pinecrest in Phase III;
- Removal of vehicular interconnectivity from Cross Outreach Ministries<sup>1</sup>;
- Restriction of pedestrian access between Shell Hall and Pinecrest;
- Addition of 10 lots in Phase I;
- Addition of a park in Phase I;
- Replacement of planned open space areas in Phase II with stormwater lagoons;
- Addition of 25 lots in Phase II; and
- Removal of Phase III lot layout and labeling as 'Future Development'.

Shell Hall is designed as a traditional neighborhood development with village themed residential structures centered on a community square which includes recreational amenities. The neighborhood receives ingress and egress access from Buckwalter Parkway.

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Approval of an Amendment to the Shell Hall Master Plan - Continued:

The Planning Commission finds that the requirements of Section 3.9.3 of the Unified Development Ordinance are met and recommends approval to Town Council for the Shell Hall Master Plan Amendment provided the outstanding conditions listed below are satisfied:

1. Provide a current set of Architectural Guidelines to be included in the PUD Master Plan Document.
2. Update to the narrative, reports and exhibits in the PUD Master Plan document that have been changed by this amendment.
3. Any future building permits for mother-in-law units are conditioned upon not permitting any kitchen facilities within the unit beyond the current surplus of 13 units which results from the applicant proposing 251 lots where 264 lots are permitted under the original Master Plan.

Town Council's conditions are as follows:

1. Update the PUD Master Plan documents including Architectural Guidelines, narrative, reports and exhibits.
2. Establish the depicted easements at the time of subdivision platting.
3. Establish an escrow fund for the access connection to Bluffton Parkway.

**Lavery moved to table the Amendment to the Shell Hall Master Plan for the following:**

**Provide opportunities for overflow parking;**

**Provide additional park areas;**

**Provide a second means of ingress/egress beyond the future Bluffton Parkway Phase 5B; and**

**Request the applicant consider giving up the surplus 13 units that are not included in the amendment to the Transfer Development Rights Bank.**

**Hamilton seconded. The motion carried unanimously.**

Consent Agenda:

- a. Staff Reports: Police, Administration/Finance, Engineering/Public Works, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Monthly Report

**Toomer moved to adopt the Consent Agenda as presented. Lavery seconded. The motion carried unanimously.**

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Public Comment:

There were none.

Executive Session:

- a. Contractual Arrangements for Buck Island/Simmons ville Sewer Extension (Phase 3) Construction Services (Pursuant to FOIA Act Section 3-4-70(a)(2))
- b. Legal Advice Concerning Properties in Non-Compliance with Chapter 5 Article 9 Unsafe/Uninhabitable Buildings of the Town Code (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- c. Discussion and Legal Advice from Town Attorney on Matters Related to Davis Road Right-of-Way (Pursuant to FOIA Act Section 3-4-70(a)(2))
- d. Discussion and Legal Advice from Town Attorney on Matters Related to the Kent Estates Development Agreement (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

**Huffman moved for Town Council to go into Executive Session to discuss the abovementioned items. Lavery seconded. The motion carried unanimously.** Council entered into Executive Session at 8:12 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 8:53 p.m. and announced no votes were taken.

**Lavery moved that the Town Council authorizes the Town Manager to approve and execute a contract for construction of the Buck Island and Simmons ville Sewer Extension (Phase 3) improvements with the lowest, most qualified bidder, Jordan Construction of Hilton Head, Inc. in the total amount of \$775,292.00, contingent upon the final approval of the contract documents by the SC State Department of Commerce CDBG Grant Administrators. Hamilton seconded. The motion carried unanimously.**

Meeting adjourned at 8:54 p.m.

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Mayor

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Town Clerk